

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAACP OF SAN JOSE/ SILICON
VALLEY, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,

Defendants.

Case No. 21-cv-01705-PJH

**ORDER RE LETTER TO CLARIFY
RULING**

Re: Dkt. No. 155

The court is in receipt of a letter filed by plaintiffs' counsel, seeking clarification of a portion of the court's summary judgment order. See Dkt. 155. Specifically, plaintiffs request clarification as to the viability of the state law claims brought by plaintiffs Swift and Allen against defendant City of San Jose. The letter argues that the claims should remain viable, due to the doctrine of vicarious liability (or respondeat superior). See id. (citing Robinson v. Solano County, 278 F.3d 1007, 1016 (9th Cir. 2002)).

The court finds that plaintiffs' letter is more properly construed as a request to seek reconsideration of the court's summary judgment order, and the court further concludes that the request must be GRANTED based on the arguments presented in the letter. Accordingly, the court will allow both sides an opportunity to present their arguments regarding Swift and Allen's state law claims against the City. Defendants may file a response by 12:00 noon on August 31, 2023. Plaintiffs may file a reply by September 1, 2023 at 5:00 p.m. Both briefs are limited to five (5) pages.

IT IS SO ORDERED.

Dated: August 28, 2023

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge